THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.1389 OF 2006

Dt.27.1.2006

Between:

A.Naga Muneendra Rao and others … Petitioners

And

The Chief Managing Director,

Eastern Power Distribution Corp.Ltd.,

Visakhapatnam and 4 others. … Respondents

ORDER:

This writ petition is filed seeking writ of mandamus declaring the action of the respondents in demanding the petitioners to pay the electricity bills for their agricultural service connections and in disconnecting the electricity supply as illegal and arbitrary and issue consequential directions to the respondents to declare that the petitioners are entitled to have the benefit of free power supply and not to insist or demand to pay the electricity charges.

Petitioners herein, who are 22 in number, are the resident of Appanaveedu Village, Pedapadu Mandal, West Godavari District, holding small extent of dry land of about Ac.2.50 cents and cultivating the same through bore wells having different service connections. It is stated that each petitioner is having only one bore well service connection and they are entitled for free power supply and in fact the respondents are extending the benefit of free power supply by collecting only Rs.20/- towards service charge. Though the

petitioners are entitled for free supply of power, the respondents all of a sudden without issuing any notice and without giving any opportunity of hearing demanding to pay usual electricity charges by issuing electricity bills. It is further stated that as per the latest instructions issued by the respondents, the petitioners are entitled for free power supply and farmers who are having more than three service connections and Income tax assessees alone are not entitled for free supply of power. Aggrieved by the said action of the respondents, the petitioners jointly made representation before the respondents on 22.12.2005, received by the respondents on 24.12.2005. But, without considering and disposing of the said representation, the respondents are threatening to disconnect the service connections of the petitioner pursuant to the demand notice.

Heard the learned counsel for the petitioners as well as the learned Standing Counsel appearing on behalf of the respondents.

Having regard to the facts and circumstances of the case, the 2nd respondent is directed to consider and dispose of the said representation dated 22.12.2005, received by him on 24.12.2005, after giving reasonable opportunity to the petitioners in accordance with law. Till then, the power supply to the service connections of the petitioners may not be disconnected for non-payment of the demanded usual electricity charges.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

27.1.2006

Note: Issue operative portion by wire

at party's costs.

B.O.

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